



(Billing Code 5001-06)

**DEPARTMENT OF DEFENSE**

**Defense Acquisition Regulations System**

**48 CFR parts 202 and 218**

**RIN 0750-AH29**

**Defense Federal Acquisition Regulation Supplement: Simplified Acquisition Threshold for Humanitarian or Peacekeeping Operations (DFARS Case 2011-D032)**

**AGENCY:** Defense Acquisition Regulations System, Department of Defense (DoD).

**ACTION:** Final rule.

**SUMMARY:** DoD is adopting as final, without change, an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement the statutory authority to invoke a simplified acquisition threshold that is two times the normal amount to support a humanitarian or peacekeeping operation.

**DATES:** Effective Date: [Insert date of publication in the FEDERAL REGISTER.]

**FOR FURTHER INFORMATION CONTACT:** Ms. Meredith Murphy, telephone 703-602-1302.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

DoD published an interim rule in the Federal Register at 76 FR 44280 on July 25, 2011, to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to implement the authority at 10 U.S.C. 2302(7) to invoke a simplified acquisition threshold that is two times the amount specified at 41 U.S.C 134, as amended by section 807 of the National Defense Authorization Act for Fiscal Year 2005, for the purpose of supporting a humanitarian or peacekeeping operation. The current simplified acquisition threshold is \$150,000, as specified in Federal Acquisition Regulation 2.101. No respondents submitted public comments in response to the interim rule.

## **II. Executive Orders 12866 and 13563**

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated

September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

### **III. Regulatory Flexibility Act**

DoD certifies that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule does not impose any requirements on small businesses. The statute applies only to purchases made outside the United States and only to those purchases that directly support a humanitarian or peacekeeping operation. For the definition of "small business," the Regulatory Flexibility Act refers to the Small Business Act, which in turn allows the U.S. Small Business Administration (SBA) Administrator to specify detailed definitions or standards (5 USC 601(3) and 15 USC 632(a)). The SBA regulations at 13 CFR 121.105 discuss who is a small business: "(a)(1) Except for small agricultural cooperatives, a business concern eligible for assistance from SBA as a small business is a business entity organized for profit, with a place of business located in the United States, and which operates primarily within the United States or which makes a significant contribution to the U.S. economy through payment of taxes or use of American products, materials or labor."

### **IV. Paperwork Reduction Act**

The rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

**List of Subjects in 48 CFR Parts 202 and 218**

Government procurement.

**Ynette R. Shelkin**

*Editor, Defense Acquisition Regulations System.*

**Interim Rule Adopted as Final Without Change**

Accordingly, the interim rule amending 48 CFR parts 202 and 218, which was published at 76 FR 44280 on July 25, 2011, is adopted as a final rule without change.

[FR Doc. 2011-29433 Filed 11/17/2011 at 8:45 am; Publication Date: 11/18/2011]